UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/040,584	12/28/2001	Samuel Kho	25216-0881	2323

30554	7590	03/01/2005	

SHEMWELL GREGORY & COURTNEY LLP
4880 STEVENS CREEK BOULEVARD
SUITE 201
SAN JOSE, CA 95129

EXAMINER
PITARO, RYAN F

ART UNIT	PAPER NUMBER
2174	

DATE MAILED: 03/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<table>
<tr><td rowspan="2">Office Action Summary</td><td>Application No.
10/040,584</td><td>Applicant(s)
KHO, SAMUEL</td></tr>
<tr><td>Examiner
Ryan F Pitaro</td><td>Art Unit
2174</td></tr>
</table>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>07 December 2004</u>.

2a)☒ This action is **FINAL**.　　2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-7,10-22 and 25-34</u> is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-7,10-22,and 25-34</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All　b)☐ Some * c)☐ None of:

　　　　1.☐ Certified copies of the priority documents have been received.

　　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
　　Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   Claims 1-7,10-22,25-34 have been examined.

Response to Amendment

1.   This communication is responsive to Amendment A, filed 2/2/2004.

2.   Claims 1-7,10-22,25-34 are pending in this application. Claims 1, 22, and 31 are

independent claims. In the Amendment A, Claims 1,10,12,16,18,20,21, 22,27-31, were

amended, and Claims 8-9 and 23-24 were canceled. This action is made Final.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7,10-22,25-34 are rejected under 35 U.S.C. 102(b) as being

unpatentable by Pogue (Palmpilot: The Ultimate Guide, ISBN: 1-56592-600-0).

As per independent claim 1, Pogue teaches a handheld computer comprising:

a housing (chapter 1 , page 1, line 4-7) including a first panel comprising one or

more user-interactive features which are each actuatable to cause an input to be

entered (Chapter 1 page 2 Figure 1.2), and ; a display accessible on a second panel of

the housing (chapter 1, page 1, line 6-7, page 2 Figure 1.2); a processor coupled to the

display, the processor being configured to: detect an input corresponding to a menu

request (chapter 1, page 4, line 4-5); activate the first menu on the display in response

to the menu request, the activated a first menu displaying a menu bar and one or more

menu items (chapter 1 , page 4, line 4-5, menu bar and menu items are shown on figure

1.4) process navigation input to navigate to the menu bar of the active first menu,

including navigation input to cause the menu bar of the active first menu to be

selectable (chapter 1 , page 4, line 4-11); process selection input when the menu bar is

selectable (chapter 1, page 4, line 4-5); wherein the navigation input, and the selection

are generated by the user actuating a same user-interactive feature (Chapter 1, page 4,

lines 4-11) and cancel activation of the first menu from the display in response to the

menu bar of that menu being selected by the selection input (chapter 1 , page 4, line 8-

11; *Once the menu bar is tapped, only the menu bar appears*).

As per claim 2, which is a dependent on claim 1, Pogue teaches the processor is

configured to process navigation input to navigate vertically to the menu bar from one of

the one or more menu items in the active first menu (chapter 1, page 3, line 2-4 and

chapter 2, page: 3, line16-19).

As per claim 3, which is a dependent on claim 1, Pogue teaches the processor is

configured to execute an application that makes only the first menu available while a

corresponding page of the application is being displayed on the display, and to process

a lateral navigation input while the first menu is active in order to cancel the first menu

from being active (chapter 1, page 4, line 4-11).

As per claim 4, which is a dependent on claim 1, Pogue teaches the processor is

configured to process navigation input to navigate laterally from the first menu in order

to make the second menu active instead of the first menu, and wherein the processor is

configured to automatically make a menu bar of the second menu selectable in

response to the second menu being activated by the lateral navigation input (chapter 1,

page 4, line 8).

As per claim 5, which is a dependent on claim 4, Pogue teaches the processor is

configured to process navigation input to cause the menu bar of the second menu item

to be selected immediately upon the second menu being made active in response to the

lateral navigation input, and wherein the processor is configured to cancel activation of

the second menu from the display in response to the second menu being selected by

the selection input (chapter 1, page 4, line 8-11).

As per claim 6, which is dependent on claim 1, Pogue teaches the processor is

configured to process the navigation input to make the menu bar highlighted for

selection by the selection input (chapter 4, page 18, line 13-15).

As per claim 7, which is dependent on claim 1, Pogue teaches the processor is

configured to process navigation input to navigate from one of the one or more menu

items of the first menu to the menu bar in order to make the menu bar selectable

(chapter 4, page 18, line 25-28, See figure 4.15).

As per claim 10, which is dependent on claim 1, Pogue teaches the processor is

configured to process navigation input from actuation of one or more of the user-

interactive features, the navigation input being processed by the processor to navigate

to and make the menu bar selectable, wherein the processor is configured to navigate

laterally from the first menu to a second menu in response to the actuation of the one or

more user-interactive features corresponding to a lateral navigation input, and to make

the menu bar of the active second menu bar selectable upon navigating to the second menu (chapter 1, page 4, line 4-6 and 8-9).

As per claim 11, which is dependent on claim 10, Pogue teaches the processor is configured to process selection input when the menu bar of the second menu is made selectable in order to select that menu bar and cause cancellation of the second menu being active (chapter 1, page 4, line 9-11).

As per claim 12, which is dependent on claim 1, Pogue teaches wherein actuation of the one or more user-interactive features causes discrete inputs to be processed by the processor, wherein the processor is configured to process navigation input corresponding to actuation of one or more of the plurality of user- interactive features to navigate to the menu bar vertically from one of the menu items in the first menu in response to receiving a series of one or more discrete input form operation of the one or more user-interactive features (chapter 1, page 1 , line 23-25, page 2, line13-15, page 3, line 3-4., and page 3, line 20 through page 4 line1-3).

As per claim 13, which is dependent on claim 12, Pogue teaches the series of discrete inputs correspond to a series of button presses (chapter 1, page 3, line 3-4 and page 4, line 3).

As per claim 14, which is dependent on claim 12, Pogue teaches the series of discrete inputs correspond to a series of button pressed from a multi-directional button mechanism (chapter 2, page 2, line 10-13).

As per claim 15, which is dependent on claim 1, Pogue teaches the processor navigates to the menu bar by highlighting the menu bar (chapter 3, section 3.7 The Palmpilot as Word Processor, page 1, line 12-13 and line 19, Chapter 4, page 18, line 13, and page 18, line 25-28, also see figure 4. 15).

As per claim 16, which is dependent on claim 1, Pogue teaches the one or more user-interactive features being actuatable to cause navigation input to be processed by the processor, wherein a direction in which the processor navigates the menu bar is determined by a user selectively actuating the one or more user-interactive features (chapter 1, page 2, line 7-9, page 3, line 20 through page 4, line 3 and page 4, line 3).

As per claim 17, which is dependent on claim 1, Pogue teaches processor is configured to perform an action in response to one of the menu items of the first menu being selected (chapter 1, page4, line 8-10, and line 23-24).

As per claim 18, which is dependent on claim 1, Pogue teaches wherein the one or more user-interactive features being actuatable to cause navigation input to be processed by the processor, and wherein the one or more user-interactive features including a multi-directional mechanical feature (chapter 1, page 2, line 7-9 and page 3, line 20 through page 4, line 3) and (chapter 2, page 2, line 10-13 and line 30 and page 9, line 5-7).

As per claim 19, which is dependent on claim 18, Pogue teaches the multi-directional mechanical feature is selected from a group of user-interactive features consisting of a joy stick, a joy pad, and a set of scroll button (chapter 2, page 9, line 6-9) and (chapter 1, page 2, line 13-16 and line 18-21).

As per claim 20, which is dependent on claim 1, Pogue teaches the on or more

user-interactive features include a set of application buttons (chapter 1, page 2, line 18-

21).

As per claim 21, which is dependent on claim 1, Pogue wherein the one or more

user-interactive features being actuatable to cause navigation input to be processed by

the processor, and wherein the one or more user-interactive features include visual

features that appear on the display and which are selectable through contact with the

display (chapter 1, page 1, line 20-21; line 16-17 and line 13-14) and (chapter 2, page 1,

line 20-21).

As per independent claim 22, Pogue teaches a handheld computer comprising: a

housing', (chapter 1, page 1, line 5-7); a display accessible on a panel of the housing;

(chapter 1, page 1, line 6-7 and line 13- 14) ; a set of actuatable mechanisms provided

on the housing', (chapter 1, page 1, line 20-27); a processor coupled to the display and

to the plurality of actuatable mechanisms, the processor being configured to: detect an

input corresponding to a menu request (chapter 1, page 2, line 2-3)., in response to

detecting the input corresponding to the menu request, assign a menu function to each

actuatable mechanism in the set of actuatable mechanisms (chapter 1, page 2, line 8-

11 and page 5, line 5-7) and (chapter 2, page 3, line 12-15 page 6, line 9-11)., display

one or more menu items that are active in response to the menu request, each of the

one or more sets of menu items being displayed as a portion of the menu having a

menu bar (chapter 1, page 4, line 8-11); while the one or more sets of menu items are

active, process input corresponding to actuation of any one of the actuatable

mechanisms as the menu function assigned to the actuated actuatable mechanism;

(chapter 1 , page 3, line 20 through page 4, line1-3), wherein the menu function

assigned to each of the actuatable mechanisms corresponds to one of the menu

functions selected from the group of menu functions consisting of navigation input,

selection input to select a menu item, and selection input to select cancellation of the

one or more active sets of menu items (chapter 1, page 4, lines 4-11; *actuating a menu*

button, tapping for selection, cancellation, and navigation).

As per claim 23, which is dependent on claim 22, Pogue teaches the menu

function assigned to one or more of the actuatable mechanisms corresponds to

navigation input (chapter 1, page 3, line 20 through page 4 line1-3 and line 2-10).

As per claim 24, which is dependent on claim 22, Pogue teaches the menu

function assigned to each of the actuatable mechanisms corresponds to one of the

menu functions selected from the group of menu functions consisting of navigation

input, selection input to select a navigation, and selection input to select cancellation of

the one or more active sets of menu items (chapter 1, page 4, line 8-11).

As per claim 25, which is dependent on claim 22, Pogue teaches the application

associated with each actuatable mechanism is different for each actuatable mechanism

(chapter 1, page 1, line 25).

As per claim 26, which is dependent on claim 22, Pogue teaches the actuatable

mechanisms are buttons (chapter 1, page 1, line 23-27).

As per claim 27, which is dependent on claim 22, Pogue teaches actuatable

mechanisms in the set of actuatable mechanisms are each assigned an individual menu

function corresponding to navigating menu items in one of either a lateral direction or a

vertical direction (chapter 1, page 4, line 4-11).

As per claim 28, which is dependent on claim 22, Pogue teaches at least one of

the actuatable mechanisms in the set of actuatable mechanisms is assigned a menu

function for selecting a selectable menu item (chapter 2, page 3, line 12-15 and page 6,

line 10-11).

As per claim 29, which is dependent on claim 22, Pogue teaches the handheld

computer is operable in a sleep mode, and wherein the processor is configured to

launch an application associated in response to one of the actuatable mechanisms

associated with that application being actuated when the handheld computer is in the

sleep mode (chapter 1, page 1, line 25-27 and line 13).

As per claim 30, which is dependent on claim 22, Pogue teaches the processor is

configured to display a menu bar with each of the one or more sets of menu items in

response to receiving the menu request, and wherein the processor is configured to

cancel activation of the one or more sets of menu items in response to selection input

for canceling the one or more active sets of menu items (chapter 1, page 2, line 4-11).

As per independent claim 31, Pogue teaches a handheld computer comprising: a

housing including a first panel comprising a display (chapter 1, page 1, line 6-7) and one

or more user-interactive features which are each actuatable to cause an input to be

entered (Chapter 1 page 2 Figure 1.2, *silkscreen buttons)*; and (chapter 1, page 1, line

4-7); a processor coupled to the display, the processor being configured to: detect an

input corresponding to menu request; (chapter 1, page 4, lines 4-5); activate a first

menu on the display in response to the menu request (chapter 1, page 4, lines 4-5); and

process lateral navigation input to cancel activation of the first menu; (chapter 1, page 4,

lines 8-1 1) wherein the input corresponding to the menu request (Chapter 1 page 4

lines 4-6), and the lateral navigation are each caused by activation of the same user-

interactive feature (Chapter 2 page 3 lines 18-19) .

As per claim 32, which is dependent on claim 31, Pogue teaches the processor

processes lateral navigation input to cancel activation of the menu if only the first menu

is available to be active for a page being displayed on the handheld computer (chapter

2, page 2, line 13-16).

As per claim 33, which is dependent on claim 33, Pogue teaches the processor is

configured to activate the first menu by displaying a menu bar and one or more menu

items (chapter 1, page 4, line 4-5).

As per claim 34, which is dependent on claim 33, Pogue teaches the processor is

configured to process vertical navigation input to make the menu bar selectable, and to

process selection input to cancel activation of first menu when the menu bar is made

selectable (chapter 2, page 2, line 12-16).

Response to Arguments

Applicant's arguments with respect to claims 1-7,10-21, 31-34 have been fully

considered but they are not persuasive.

Per claim 1, Applicant argues that Pogue does not disclose or teach:

(a) "cancel navigation of the first menu from the display in response to the menu

bar of that menu being selected by the selection input",

(b) "cancellation of a menu using the same input method used to display and/or

navigate to or through the menu being cancelled".

Per claim 22, Applicant argues that Pogue does not disclose or teach:

(c) "the actuatable mechanisms corresponding to one of the navigation input,

selection input, and selection input of select cancellation of the one or more active sets

of menu items," and that "Pogue teaches away from an actuatable mechanism".

Per claim 31, Applicant argues that Pogue does not disclose or teach:

(d) " lateral navigation input to cancel activation of the first menu",

(e) "wherein the input corresponding to the menu request, and the lateral

navigation input are each caused by the activation of the same user-interactive feature".

The examiner disagrees for the following reasons:

Per (a), Pogue inherently teaches the cancellation of a first menu from the

display when the menu bar is selected. In the palm application once the menu is

displayed a user can cancel the navigation of a first menu by tapping on the menu bar.

For instance, the menu button is tapped, and a menu is displayed on the left top part of

the main application screen as a drop down menu. That menu is the drop down menu

App once displayed it comprises elements delete, beam, send, etc. Once the menu bar

is tapped, only the menu bar appears.

Per (b) Pogue discloses a "user-interactive feature" known as tapping. Pogue teaches tapping the screen is means for selection input. Also, Applicant agrees "Pogue describes canceling a menu by selecting an item on the menu by tapping". The input corresponding to selection is tapping and it is known that tapping cancels the menu, which are the same input method known as tapping.

Per (c), "Pogue discloses that cancellation requires tapping on the display" as Applicant states. Applicant also discloses on page 7 lines 14-18 in their specification that

> The terms "user-interactive feature" and "actuatable mechanisms" refer to devices or features that enable users to enter navigation and/or selection input. In an embodiment, user-interactive features are actuatable to cause discrete inputs to be entered. Therefore, actuation of the user-interactive feature causes a static input value to be entered, and variations to the input value require repeating actuation of the user-interactive feature.

Since tapping is a feature that enables users to select input, tapping is but not limited to an actuatable mechanism or a user-interactive feature. Therefore Pogue teaches navigation input, selection input, and selection input of select cancellation of the one or more active sets of menu items.

Per (d), Pogue discloses a "user-interactive feature" known as tapping. Pogue teaches tapping the screen is means for lateral navigation input. Pogue also teaches tapping the screen "anywhere else on the screen puts the menu away". Therefore the input corresponding to later navigation is tapping and in turn tapping cancels the menu.

Per (e) Pogue discloses the same "user-interactive feature" tapping for activating a menu. As discussed above tapping is taught for lateral navigation. Therefore, Pogue

teaches activation of navigation and menu request by the same "user interactive

feature", tapping..

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Ryan F Pitaro whose telephone number is 571-272-

4071. The examiner can normally be reached on 7:00am - 4:30pm Monday through

Thursday and on alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Kristine Kincaid can be reached on 571-272-4063. The fax phone number

for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Ryan Pitaro
Art Unit 2174
Patent Examiner

RFP

Kristine Kincaid

KRISTINE KINCAID
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100